

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BETTE JEAN MCDONALD,

Plaintiff

v.

Responding Affirmation in
Opposition to Plaintiff's
Motion *in limine* Offered
Regarding Rule 415 Evidence

JOHN E. GILBERT, III,

10 Civ. 06702 (DGL) (JWF)

Defendant.

John B. Licata, Esq., hereby submits the following Responding Affirmation in Opposition to Plaintiff's Motion *in limine* Offered Regarding Rule 415 Evidence.

1. I am an attorney licensed to practice law in the State of New York and in the United States District Court for the Western District of New York.
2. I am retained by Defendant, New York State Corrections Officer John E. Gilbert III, in the above-captioned matter, and as such I am fully familiar with the pleadings and proceedings had to date in this matter.
3. The attached exhibits are true and correct copies of the following documents:
 - A. Excerpts from the deposition of Corilynn Lorenzo f/k/a Corilynn Rock, June 13, 2007;
 - B. Letter from Kristina Muehleisen to Sgt. Bailey dated February 1, 2000, Bates No. ATGP05226-27;
 - C. Written Statement of Kristina Muehleisen dated February 1, 2000, Bates No. ATGP05228;

- D. Written Investigative Report of Kristina Muehleisen taken by Frank Polizzi dated April 4, 2000, Bates No. ATGP05229-30;
- E. Excerpts from deposition of John E. Gilbert III, August 7, 2007;
- F. Excerpts from deposition of Kristina Muehleisen, June 25, 2007.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 25, 2012

s/John B. Licata

John B. Licata, Esq.
HOGANWILLIG
Attorney for Defendant John E. Gilbert III
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